

REMARKS

Favorable reconsideration and allowance of the subject application are respectfully requested. Claims 2-12 and 18-38 are pending in the present application with claims 3, 18, and 38 being independent. Claim 38 has been added by this amendment.

New Claim 38

New claim 38 is representative of claims 1 and 3 as presented on January 16, 2003. The Examiner indicated on page 10 of in an Office Action dated March 13, 2003, that at least claim 3 is allowable. Accordingly, because claim 3 includes all of the subject matter of claim 1, as presented on January 16, 2003, Applicants respectfully request that the Examiner indicate claim 38 as being allowed.

Information Disclosure Statement

In the reply dated January 16, 2003, Applicants noted that an Information Disclosure Statement and accompanying PTO-1449 form were filed on July 18, 2002. The Examiner initialed and returned the PTO-1449 form on March 13, 2003, however, the Examiner failed to initial the document "Mechanisms of Holographic Recording in Amorphous Semiconductor Films." Accordingly, the Examiner is respectfully requested to acknowledge consideration of all of the documents identified in that Information Disclosure Statement by

initialing the attached PTO-1449 form and returning a copy of the initialed form to the undersigned.

Claim Rejections under 35 U.S.C. §112

The Examiner rejected claims 2-17, and 19-23 under 35 U.S.C. §112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. This rejection is respectfully traversed.

Applicants have amended the minor typographical error in claim 3, amending "buthylglycedil" to recite "butylglycidyl." Accordingly, withdrawal of the rejection is respectfully requested.

Claim Objections

The Examiner objected to claim 29 under 37 C.F.R. 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicants have amended claims 18 and 29, such that claim 29 properly limits the subject matter of a previous claim. Accordingly, withdrawal of the objection is respectfully requested.

Claim Rejections under 35 U.S.C. §102

The Examiner rejected claims 3, 4, 6, 7, 20, and 21 under 35 U.S.C. §102 as being anticipated by Fjeldstad et al. (US 6,558,851). This rejection is respectfully traversed insofar as it

pertains to the presently pending claims.

In the outstanding Office Action, the Examiner appears to be alleging that claims 3, 4, 6, 7, 20, and 21 are anticipated by Example 1, which is shown in columns 8-9 of Fjeldstad et al.

Applicants respectfully submit that Fjeldstad et al. does not teach or suggest all of the features of the claimed invention. In particular, Fjeldstad et al. does not teach the feature of "reducing the electron and hole components of the dark conductivity of the AMS-film by pulse heating the AMS-film when it has reached the operating surface potential," as recited in, for example, independent claim 3.

Referring to col. 6, lines 68-69, of Fjeldstad et al., Applicants note that it is taught that CICTs (Compound with Intramolecular Charge Transfer) "do not increase to great extent the dark conductivity of the AMS-film." The dark conductivity, however, is not reduced by pulse heating.

MPEP 2131 specifically states that "to anticipate a claim, the reference must teach every element of the claim," emphasis added. In other words, in order for a prior art reference to anticipate a claim, the reference must disclose each and every element of claim with sufficient clarity to prove its existence in prior art, since this disclosure requirement presupposes knowledge of one skilled in art of the claimed invention, but such "presumed knowledge does not grant a license to read into prior art reference teachings that are

not there," see *Motorola Inc. v. Interdigital Technology Corp.* USPQ2d 1481, 1490 (Fed. Circ. 1997), emphasis added.

In sum, because Fjeldstad et al. does not teach that electron and hole components of the dark conductivity of the AMS-film is reduced by pulse heating the AMS-film when it has reached an operating surface potential, the claims are not anticipated by the cited art.

Dependent claims 4, 6, 7, 20, and 21 should be considered allowable at least for depending from an allowable base claim.

Accordingly, withdrawal of the rejection is respectfully requested.

Claim Rejections under 35 U.S.C. §103

The Examiner rejected claims (a) 2-9, 11, 12, and 2-23; (b) 3, 4, 6, 7, 18-21, 24, 29-32, and 36-37; and (c) 2-12 and 18-37 as being unpatentable over Fjeldstad et al. in view of the references listed in items 7, 8, and 9, respectively, in the outstanding Office Action. This rejection is respectfully traversed.

Applicants respectfully submit that each of the 35 U.S.C. §103 rejections are improper because Fjeldstad et al. is disqualified as a reference under 35 U.S.C. §103(a).

MPEP 706.02(1)(3) recites in pertinent part that: a commonly owned reference is disqualified when the reference only qualifies as prior art under 35 U.S.C. 102(e), 102(f), or 102(g) for

applications filed on or after November 29, 1999; and the reference was used in an obviousness rejection under 35 U.S.C. 103(a).

The present application and Fjeldstad et al. were both filed after November 29, 1999, and are both commonly owned, namely by Holo Tech A.S. Additionally, Fjeldstad et al. does not qualify as prior art under 102(a), 102(b), 102(c), or 102(d). Therefore, the rejections under 35 U.S.C. §103(a) are improper.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejections.

Double Patenting

The Examiner rejected claims 3, 4, 6, 7, 20, and 21 under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 4-6 and 12-14 of Fjeldstad et al. (US 6,558,851). This rejection is respectfully traversed.

The Examiner notes on page 7 of the Office Action that although claims 3, 4, 6, 7, 20, and 21 of the present application "are not identical" with claims 4-6 and 12-14 of Fjeldstad et al., the Examiner alleges that they are not patentably distinct.

Applicants respectfully disagree. As specifically noted above, Fjeldstad et al. does not anticipate claims 3, 4, 6, 7, 20, and 21 because Fjeldstad et al. does not teach the feature of "reducing the electron and hole components of the dark conductivity of the AMS-film by pulse heating the AMS-film when it has reached the

operating surface potential." Therefore, the claims of the present application are patentably distinct in view of Fjeldstad et al. and even more specifically, in view of claims 4-6 and 12-14 of Fjeldstad et al.

Accordingly, withdrawal of the double patenting rejection is respectfully requested.

Conclusion

In view of the above amendments and remarks, this application appears to be in condition for allowance and the Examiner is, therefore, requested to reexamine the application and pass the claims to issue.

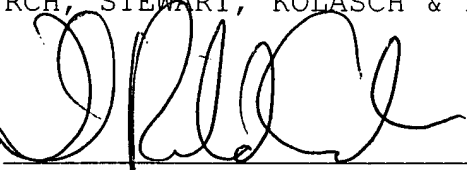
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Martin Geissler (Reg. No. 51,011) at the telephone number below, which is located in the Washington, DC area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees

required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of
time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
D. Richard Anderson, #40,439

DRA/MPG:tm
4494-0104P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment: Copy of Form PTO-1449 dated 7/18/02